

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

Writ Petition No. 5185 of 1991

Amarshi Akheraj Nisar	.. Petitioner
V/s.	
Vajhal Kamar Mohamad Yakub Shaikh and Others	.. Respondents

Mr. R.S. Datar for the Petitioner
Ms. Vidula Wagle for the Respondent No. 5

**CORAM : DR. S. RADHAKRISHNAN, J.
DATED : 28.11.2005.**

P.C.:-

1. Heard the learned counsel for the Petitioner and the learned counsel for the Respondent No. 5. None appears for the other Respondents, though served. The learned Advocates' names for the Respondents have already been indicated on the Board.

2. The facts disclosed in the above Petition are, however, unfortunate. The above matter pertains to motor accident claim filed in the year 1987. As the doctor's certificate issued by Dr. S.S. Vengsarkar, Dr. Virani, Dr. Vijay Jain, Dr. S.R. Mukhi, Dr. V.B. Abraham and Dr. R.D. Bhagwat were not admitted in evidence by the Motor Accident Claims Tribunal solely on the ground that the aforesaid doctors, who had issued the said certificates, were not present before the Court.

3. Mr. Datar, the learned counsel for the Petitioners' limited grievance is that when the

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application was made for appointment of Court Commissioner to examine the aforesaid doctors, who were all practising in Mumbai, the said application was rejected by the Motor Accident Claims Tribunal by the order dated 24.10.1991. The only reason is that the Petitioner was not able to show that the doctors were unable to come to Solapur. There is no dispute that the aforesaid doctors were busy doctors, practising in Mumbai and having regard to the facts and circumstances and especially in view of the fact that the matter is still pending for now almost 18 years, in the larger interests of justice, Rule is made absolute in terms of prayer clause (a). Issuance of Certified copy expedited.

(DR. S. RADHAKRISHNAN, J.)